

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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JOSHUA MALLORY,

Plaintiff,

v.

MEMPHIS CALVARY MISSION,

Defendant.

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No. 2:21-cv-02406-SHL-cgc

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**ORDER ADOPTING REPORT AND RECOMMENDATION AND  
DISMISSING COMPLAINT**

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Before the Court is Magistrate Judge Charmiane G. Claxton's Report and Recommendation, (ECF No. 7), filed July 12, 2021, granting in forma pauperis status and recommending that the Court dismiss Plaintiff's Complaint, (ECF No. 1).

A magistrate judge may submit to a judge of the court proposed findings of fact and recommendations for dismissal of a complaint for failure to state a claim. 28 U.S.C. § 636(b)(1)(B). "Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2); see also 28 U.S.C. § 636(b)(1) (2017). A district court reviews de novo only those proposed findings of fact or conclusions of law to which a party specifically objects; the rest are reviewed for clear error. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff objected to the Magistrate Judge's Report and Recommendation after the time to do so had expired. (ECF No. 8.) However, given his pro se status, the Court will consider his objections. There, he alleges that Defendant did not provide him the same opportunities for food, shelter, and employment as other males, based on his sexual orientation. (ECF No. 8.) While these allegations provide slightly more specificity, Plaintiff still does not explain how

Calvary, a non-government entity was acting “under color of state law,” as is required to state a claim under 42 U.S.C. § 1983. (ECF No. 8.) Generally, a plaintiff may only bring a § 1983 claim against a government entity. Church-led mission groups are not government entities.

The Court has reviewed the Report for clear error and finds none. Therefore, the Court **ADOPTS** the Magistrate Judge’s Report and **DISMISSES** the Complaint with prejudice.

**IT IS SO ORDERED**, this 2nd day of August, 2021.

s/ Sheryl H. Lipman  
SHERYL H. LIPMAN  
UNITED STATES DISTRICT JUDGE